

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 304 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MULSHANKER ALIAS HASUBHAI

Versus

INDUBEN GAURISHANKER

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Appearance:

SERVED for Petitioner

UNSERVED for Respondent No. 1

MR. K.C.SHAH, LD.PUBLIC PROSECUTOR for Respondent No. 2

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 27/03/96

ORAL JUDGEMENT

In this Special Criminal Application which came to be filed in year 1987, the petitioner is duly served but he is not present. Respondent no.1 Induben had instituted maintenance proceedings against the husband petitioner. There was a compromise between the parties under which it was agreed that the wife shall be paid maintenance at the rate of Rs.225-00 per month. Later on

an application under Section 127 of the Code of Criminal Procedure, 1973 came to be presented by the wife Smt. Induben, saying that, looking to the rise in the price index she should be paid the maintenance at the rate of Rs.500-00 per month. This prayer to be made by the wife came to be recognised by the learned Trial Judge in part and the maintenance amount was enhanced to Rs.360-00 per month. The above said orders dated April 26, 1985, were taken in revision before the Sessions Court, Junagadh. The Criminal Revision Application No. 52 of 1985 came to be decided, disposed of and dismissed by learned Addl. Sessions Judge, Junagadh, vide his orders dated January 21, 1987. The said orders are in challenge in the present Special Criminal Application.

The petitioner is found to be absent though served with a special notice. Moreover upon the appreciation of the facts, I do not see any reason to exercise my powers under Article 227 of the Constitution of India. The present proceedings therefore requires to be dismissed. They are accordingly dismissed. Rule shall stand discharged. Interim relief shall stand vacated.

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